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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

TEVA PHARMACEUTICALS USA, INC.,

Plaintiff,

vs.

CORCEPT THERAPEUTICS, INC., et al.,

Defendants.

Case No. 5:24-cv-03567-BLF

Honorable Beth Labson Freeman

**DEFENDANTS' JOINT ADMINISTRATIVE
MOTION TO RECIPROCALLY ENLARGE
PAGE LIMITS FOR OMNIBUS MOTION
TO DISMISS BRIEFING**

Pursuant to Civil Local Rule 7-11, Defendants Corcept Therapeutics, Inc. and Optime Care Inc. (collectively, “Defendants”) respectfully move for an order reciprocally enlarging the page limits for Defendants’ forthcoming omnibus motion to dismiss and reply brief on the one hand, and Plaintiff Teva Pharmaceutical USA, Inc.’s omnibus opposition brief on the other. Teva indicated that it would not join in a stipulation but that as to Defendants’ request, “Teva takes no position, except that Teva believes any expansion of the page limits should be mutual.” *See* ¶¶ 3–4, Declaration of Adam B. Wolfson. In support of their request, Defendants state as follows:

1. Defendants respectfully seek a reciprocal enlargement of the page limits set forth in Sections IV.A.1. and IV.A.6. of the Court’s September 9, 2024 Standing Order re Civil Cases as follows: (a) 35 pages for Defendants’ forthcoming joint motion to dismiss brief (rather than 25); (b) 35 pages for Teva’s forthcoming omnibus opposition brief (rather than 25); and (c) 20 pages for Defendant’s forthcoming joint reply brief (rather than 15).

2. Teva filed this case against Corcept and Optime on June 13, 2024. Plaintiff’s initial complaint spanned nearly 300 paragraphs over nearly 70 pages, and it asserted seven causes of actions under many more statutes. *See* Dkt. 1. For example, Teva’s claim under California’s Unfair Competition Law (Count IV) was based on at least 5 different statutes, and its omnibus claim under various state antitrust and consumer protection laws (Count VI) was based on at least 85 different statutes. Dkt. 1, ¶¶ 231, 248–49. Teva’s allegations also go back nearly a decade.

3. Defendants filed separate motions to dismiss on August 26, 2024, which were vacated when Teva filed a substantially similar amended complaint on September 13, 2024. Dkts. 34, 36, 39, 40. Defendants will move to dismiss Teva’s amended complaint by October 14, 2024. Dkt. 42. Defendants intend to offer in a single motion to dismiss arguments and authorities that Defendants previously offered in their separate briefs (Corcept’s brief was 25 pages, and Optime’s was 18 pages), and which they believe dispose of the entire case.

4. Defendants believe that a modest enlargement of page limits is necessary and appropriate given the nature and scope of Plaintiff’s claims and allegations, and because Defendants are separately represented parties with distinct claims leveled against them and distinct arguments for dismissal. For example, several of Teva’s claims (monopolization and attempted monopolization) and

1 theories (Orange Book listings, supposed “sham” litigation, and alleged bribes to prescribers and
2 practitioners) are directed at Corcept (Teva’s competitor) and not Optime (a pharmacy with whom
3 Corcept deals and Teva wishes to deal). These claims and theories—asserted against Corcept alone—
4 themselves require substantial pages to brief.

5 5. Defendants will streamline their briefing to the Court by filing joint (rather than
6 separate) briefs. As one example, Defendants’ joint, renewed motion to dismiss will be fewer in pages
7 than the combined sum of Defendant’s prior separate motions to dismiss. At the same time,
8 Defendants wish to provide full and complete briefing regarding the defects in each of Teva’s claims
9 but respectfully submit that an enlargement of pages is necessary to do so. ¶ 5, Wolfson Decl. Such
10 briefing may ultimately conserve the Court’s and the parties’ resources to the extent that the Court
11 agrees with Defendants’ arguments that all or some of Teva’s claims warrant dismissal.

12 6. Defendants’ requested enlargement is reciprocal and even-handed to Teva.
13 Defendants seek to enlarge the page limits for Teva’s opposition brief by the same number of pages
14 as Defendants’ joint opening motion to dismiss brief. That, in turn, would also allow Teva to provide
15 full and complete briefing in opposition to Defendants’ motion, which would provide a more
16 developed and fulsome briefing record from which the Court may resolve Defendants’ motion.

17 7. This Court has granted comparable extensions of page limits. *See, e.g., Int’l Tech.*
18 *Univ. Found. v. WASC Senior Coll. & Univ. Comm’n*, Case No. 22-cv-04576-BLF, (N.D. Cal.), Dkts.
19 73 & 75 (Freeman, J.) (authorizing request for up to 60 pages for TRO motion); *Los Gatos Mercantile,*
20 *Inc. v. E.I. DuPont De Nemours & Co.*, Case No. 13-cv-1180-BLF (N.D. Cal.), Dkt. 111 (Freeman,
21 J.) (authorizing 30 pages for motion to dismiss, 30 pages for opposition, and 20 pages for reply).

22 For these reasons, Defendants respectfully request that the Court allow up to 35 pages for
23 Defendants’ omnibus opening brief, 35 pages for Teva’s opposition brief, and 20 pages for
24 Defendant’s omnibus reply.

1 DATED: September 25, 2024

2
3 By: /s/ Adam B. Wolfson

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CIVIL LOCAL RULE 5-1 ATTESTATION

I, Adam B. Wolfson, am the ECF user whose credentials were utilized in the electronic filing of this document. In accordance with Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the signatories listed above.

DATED: September 25, 2024

By /s/ Adam B. Wolfson
Adam B. Wolfson

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of September 2024, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System, causing it to be electronically served on all attorneys of record.

By /s/ Adam B. Wolfson
Adam B. Wolfson